

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MICHAEL POWELL

PLAINTIFF

v.

No. 3:19CV23-DAS

FRANK SHAW, ET AL.

DEFENDANTS

**ORDER DENYING PLAINTIFF'S MOTION [58]
FOR DEFAULT JUDGMENT**

This matter comes before the court on the motion [58] by the plaintiff for default judgment against defendants Thomas, Hart, and Murphy. “Because of the seriousness of a default judgment, and although the standard of review is abuse of discretion, even a slight abuse of discretion may justify reversal.” *CJC Holdings, Inc. v. Wright & Lato, Inc.*, 979 F.2d 60, 63 n. 1 (5th Cir.1992). (quotations omitted). See also *United States v. One Parcel of Real Property*, 763 F.2d 181, 183 (5th Cir.1985). Furthermore, federal courts should not be agnostic with respect to the entry of default judgments, which are “generally disfavored in the law” and thus “should not be granted on the claim, without more, that the defendant had failed to meet a procedural time requirement.” *Mason & Hanger-Silas Mason Co. v. Metal Trades Council*, 726 F.2d 166, 168 (5th Cir.1984). Thus, “where there are no intervening equities any doubt should, as a general proposition, be resolved in favor of the movant to the end of securing a trial upon the merits.” *Gen. Tel. Corp. v. Gen. Tel. Answering Serv.*, 277 F.2d 919, 921 (5th Cr.1960).

In this case, defendants Thomas, Hart, and Murphy have not been served with process; as such, the instant motion [58] for default judgment against these defendants is **DENIED**.

SO ORDERED, this, the 18th day of March, 2021.

/s/ David A. Sanders

DAVID A. SANDERS
UNITED STATES MAGISTRATE JUDGE